

NOV 18 2003

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

EARL WASHINGTON, JR.,

Plaintiff,

v.

KENNETH H. BURAKER, ET AL.,

Defendant.

C.A. #3:02cv106

unsealed by order of court
SEALED
3-5-04

**RESPONSE OF FAUQUIER COUNTY SHERIFF
TO PLAINTIFF'S MOTION FOR RELEASE OF FORENSIC EVIDENCE
TO DR.. EDWARD T. BLAKE FOR INSPECTION AND/OR DNA TESTING**

Fauquier County Sheriff Joseph Higgs, Jr., by counsel, hereby responds to plaintiff's motion that he be ordered to release certain forensic evidence to Dr. Edward T. Blake for inspection and/or DNA testing.

By letter dated November 14, 2003, from counsel for Sheriff Higgs to plaintiff's counsel, Sheriff Higgs advised plaintiff that he "... has none of the items of evidence associated with the investigation of the rape and murder of Rebecca Lynn Williams listed in the subpoena in his custody." Exhibit 1. Accordingly, the issue raised by plaintiff's motion is moot as to Sheriff Higgs and it is submitted that for this reason the motion as to the Sheriff should be denied.

RESPECTFULLY SUBMITTED,

SHERIFF JOSEPH HIGGS, JR.
BY COUNSEL

151



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served in the manner indicated on the 15th day of November, 2003:

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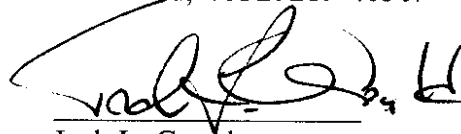
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